

# Connections

## Michigan Foster Care Review Board Program

Advocating for Permanency through Reviews and Collaboration

WINTER 2001

## Introducing: Carolyn Rapson

by Mary Rupke, Board #19 (Saginaw, Tuscola)

A veteran of eight years as a Foster Care Review Board volunteer in Saginaw County, Carolyn Rapson remains completely committed to the work of the Foster Care Review Board Program in Michigan. When Carolyn initially applied for a position on the board, she thought the job was related to adult foster care. Because she runs two adult foster care homes for developmentally disabled adults, this seemed to be a good fit. However, when she discovered that the board was working to help children in foster care, she had a much more personal reason for getting involved. As a child, Carolyn was removed from the home of her biological parents, after which she lived in foster care and then in an adoptive home. In each of those settings, she suffered abuse, either physical, emotional, or sexual. It changed with the change in placement! She has a unique and valuable perspective because of her first-hand experience in the system as well as a strong commitment to protecting children in vulnerable situations.

In Carolyn's words, "The most important committee I belong to is the Foster Care Review Board. I truly believe in this Board!" She observes that the board has had an impact locally as is evident in a good working relationship with the judicial system. Carolyn also feels that she is able to be candid with workers so that the board can get needed information even though it's not always comfortable. This enhances the ability of the board to assess the situation and make recommendations that will help the children. In Carolyn's words, "We do make a difference in the lives of kids!"

One of Carolyn's biggest frustrations is watching the system getting "hung up on what parents aren't doing," to the extent that the focus on the child gets lost. She notes that the Binsfeld legislation has helped to bring the focus back to the best interests of the child. Another frustration recently has been the problems with funding that resulted in the board suspending meetings for several months this year. Although this has been worked out, Carolyn says that it has "made me much more determined to make sure the Foster Care Review Boards are able to continue."

In the future, Carolyn would like the board to have the ability to do more community advocacy for children. In her daily conversations with people she spreads the word, hoping to interest others in becoming advocates for the children in our community who cannot speak for themselves. As she says, "We need more individuals who will step forward and do what is necessary to help these children." Carolyn's willingness to give of her time, energy and abilities in the effort to help the children of Michigan, is an example for everyone.

In addition to running two adult foster care homes and serving on various community boards, Carolyn is married to a local attorney and trust officer. They have two children, a daughter who is in her fourth year at Concordia College in St. Paul, Minnesota, and a son who is a senior at Heritage High School. Carolyn enjoys antiques and traveling. She spent a couple of weeks last summer in Japan with her husband and son, making sure she was back for the Foster Care Review Board meeting which was scheduled six hours after she arrived back in Saginaw! She was there; another small reflection of her strong commitment to the children of Michigan.

## Court Appointed Attorney Representation Committee

by Rod Johnson

In May 1999, the Program Advisory Committee's Attorney Ad Hoc Committee (AAHC) recommended that boards conduct a survey of court appointed attorney compensation practices throughout the state. The primary goals of the survey were: (a) to ascertain what the appointment, performance, and reimbursement practices are throughout the state; (b) to find out what courts had to say about this issue; and, (c) to devise a report that would not only summarize aggregate practices across the state, but equip child advocates and stakeholders in Michigan's child welfare system with an objective tool for addressing the challenge of providing effective legal representation for children and indigent parents in child protective proceedings.

Thanks to local citizen review boards across the state, by July 2000 the AAHC collected data representing 94% of Michigan's neglect

wards. Foster Care Review Board Program staff analyzed the survey data and recommendations have been developed. A final report should be ready for review by the State Advisory Committee in 2001.

### INSIDE CONNECTIONS

Legislative Committee .....	2
From the Program Manager .....	2
Window on the System: TRANSITIONS .....	3
Wayne County Briefs .....	4
Remember Miracle Jackson .....	5
Welcome New Board Members .....	6
Northern Boards .....	6

# Legislative Committee

by Jim Novell

In April 2000 the Program Advisory Committee voted to make the Legislative ad hoc Committee a standing subcommittee. The Legislative Committee had been previously established for the purpose of educating board members in the legislative process and encouraging their participation with legislation related specifically to the Program and child welfare issues. Having accomplished this in 1999, the Committee was seen as a viable vehicle for the Program to increase its involvement in the legislative process, both statewide and nationally, by continuing

to track pending legislation of interest, informing board members, and drafting a response. For the latter purpose, a Legislative Response Protocol was developed by the Committee and approved by the Advisory Committee at the September 2000 meeting. The protocol requires that each board elect or designate a member as a "Legislative Response Representative." This person is responsible for communicating to their board members information regarding pending legislation and a suggested response assisted by Program staff and the Committee. The protocol should be in place by January 1, 2001.

## From the Program Manager...

### ***What Have We Learned From Foster Parent Appeals?***

Local boards have held foster parent appeal hearings for over two years now. Ironically, when we first put together a projected budget for handling foster parent appeals pursuant to 1997 PA 163, we could only speculate on the number of appeals that would occur. Our ball park guess was about one per week. In FY 1999-2000, we had 75 appeal requests leading to 52 actual appeal hearings. *One per week!* Although the appeals don't always arrive at the rate of one per week, e.g., February had none, while May had fourteen, they did average out to almost one each week over the year.

So what were the results in FY 1999-2000? Of the 52 hearings held, **the board supported the agency's move in 33 cases, while the board supported the foster parents in 19 cases.**

In the 19 cases where a board supported the foster parents, there were 16 follow up reviews by either the Court (for temporary wards) or the MCI Superintendent (for MCI wards). The Court or MCI Superintendent supported the board's decision 7 times, while finding for the agency 9 times. Three cases ended up not having a court hearing or MCI review at all for various reasons, usually because the agency and foster parent came to an agreement, or the agency decided not to move the ward following a thorough assessment after the board hearing.

Of the 52 hearings that were held, 25 were Family Independence Agency (FIA) supervised placements, while 27 were Purchase of Service (POS) supervised placements.

Of the 75 appeal requests, 23 (10 FIA and 13 POS) were resolved within three days and never resulted in a board hearing. Resolutions included: foster parent withdrew request (9); court order to remove the ward (5); agency decision not to remove the ward (4); and other miscellaneous reasons (5).

**What are some of the observations from foster parent appeals?** It appears that foster parents sometimes wait too long to indicate to the caseworker there is a problem. Conversely, agencies sometimes wait too long to address a problem. Thus, by the time the two sides meet, it's too late to salvage the placement. Sometimes it appears moves are instigated by the agency without justification to let the foster parent know who is in control. The assumption that "we have supervision and care, therefore we can move the ward when we choose to," is literally invoked. No attempt is made to conference the case and perhaps draw upon all of the interested parties to make a decision in the ward's best interests.

Another observation is that foster parents often believe the agency's

anticipated next placement is not what the ward needs. It's not so much that the foster parent doesn't want to relinquish care, it's that they don't agree with the next placement or the time line to achieve it. There's a sense on the part of foster parents that, after having a foster child in their home for eighteen months or so, they know what's best for him or her. They believe the agency should have asked for their input.

Another observation from the foster parent appeal process is the child's perspective. Sometimes the foster child wants to move, but doesn't want to offend his foster parents. So, as would most kids caught between disagreeing adults, the ward tells the foster parents he wants to stay, while telling the caseworker he wants to leave. After speaking to the ward privately, boards often enter a finding reflecting the ward's apparent dilemma. **Boards have become creative in writing findings and recommendations that capture what they observe is in the ward's best interests without negating the foster parents' involvement or the agency's official role.** Findings and recommendations attempt to acknowledge the concerns of both sides without offending either while still concentrating on the child's best interests.

Interestingly, individuals involved in writing the foster parent appeal law have stated to me that it was their speculation that the portent of an appeal hearing would prompt the agency to avoid capricious moves and hold case conferences whenever a difficult move was anticipated. As observed over the past year, this certainly seems to be confirmed.

Although foster parent appeals to citizen review boards have been going on for just over two years, it is apparent that better decision making is occurring. **It is clear that case conferencing is preventing unnecessary moves, and thus eliminating unnecessary appeals.** If agencies and foster parents continue to work in a close partnership, there might be no need for foster care review board appeal hearings. On the other hand, what system doesn't benefit from good oversight to a complex process.



Citizen review boards are an excellent opportunity for the community at large to witness the foster care system. Knowledgeable volunteers can be excellent spokespersons in the community. They can speak out credibly for the best interests of children based on their review board experience. They can act as an extension to agencies that might need better funding or more service components. They can act as an extension of the court by providing more eyes and ears to the welfare of children in the

system. **Foster parent appeals are just one more component of the citizen review process that utilizes volunteers to give back to their community.**

If citizen review boards prevent unnecessary movement of wards and better partnerships between agencies and foster parents, more power to them. After all, neither one can work without the other.

*Thomas A. Kissling*

## Window on the System: TRANSITIONS

*by Linda Glover, CIP Manager, SCAO*

Imagine you are having dinner with your spouse and suddenly two police officers come in and take you away. You have no idea of why they have come or where they are taking you. After driving in the car for what seems like an hour, it stops in a residential section of a strange town, outside of a house you have never seen before. They open the door, tell you that you may get out and then explain that the house at the end of the driveway is your new home. You will spend the next year there, missing your family and wondering why, but no one speaks to you about these things.

This is part of a “guided fantasy”<sup>1</sup> which trainers use to sensitize foster parents to the experiences of foster children. Below is another one which aims at creating an emotional comprehension of the losses that children endure through placement and subsequent changes of placement (including return home).

Envision Steven, who is seven. His mother uses drugs and he and his siblings were placed one night when his mother did not come home. In addition to the initial trauma of his removal and placement, consider what else he has lost. Left behind, in another foster home, is his nine month old brother who he took care of when his mom didn’t. He misses his best friend in the house next door. His eyes well up thinking of the second grade teacher who seemed to watch out for him, and he wishes he could have stayed just a couple of more days at school to go with the class on the field trip to the zoo. Close your eyes and remember with him the sounds of his neighborhood outside his window, the feel of the blanket he cuddled, and the look of the sun rising through his bedroom window in the morning. Open your eyes and reflect on what he feels. All these things are gone and he does not know why, nor how to get them back.

Now consider what you know about the number of times children change placements and how often they must adjust without adequate goodbye rituals. And how seldom they are able to maintain important connections even through cards and phone calls. Remember the times you have heard or read about connections being discontinued because the phone calls, the letters or the visits caused the children to “act out.” (“Acting out” is a normal part of the grief process, especially for children, and working one’s way through loss is not helped by shutting off the connections.)

What can you as a Foster Care Review Board volunteer do to ease the pain of loss for the children you review? Consider the following suggestions, keeping in the foreground of your understanding that grief is a part of every child’s experience in foster care.

Good case plans minimize or eliminate further loss. Case workers should understand how children grieve and casework/therapeutic

interventions should recognize the importance of grieving.

- Raise the issue of sibling visitation for all children and make strong recommendations for continued contact. The sibling connection, especially between children raised together, is sometimes stronger than the connection to parents. Regardless of the permanency plan for the children, be mindful that some day all of the workers, agencies, courts, and therapists will be gone. The parents too may be gone. Sibling connections are a resource for life long support. Don’t let the system ignore the sibling connection because it is not convenient to maintain it.
- Advocate persistently for more reasonable visitation between parents and their children when the permanency plan is to return home. If the workers are serious about reunification, visitation must take place far more frequently than an hour a week in a too small, inadequately furnished office. Challenge the perception that child safety allows for only once a week, monitored visits. This suggestion is not meant to minimize child safety as a priority concern, but surely there are some cases where a more frequent, relaxed visitation schedule between parents and children could be arranged, possibly with the help of relatives, friends, or foster parents.
- Ask questions about connections to the past for the child. Can visits be arranged with friends, schools, teachers, pastors or neighbors? Foster parents may be a resource to make this happen.
- Consider grief as one of the reasons for acting out behavior. Ask about what is being done to help the child cope with loss when, as reviewers, you hear and read about severe misbehavior. Is anyone working with the child on a “life book” which would help him/her put the present and past in a context and assist in letting the adults know what s/he misses the most and where reconnecting with the past would be therapeutic? Pictures, phone calls and letters might be a source of connection if in-person contact would be too difficult.
- To prevent multiple moves, ask questions about what is being done to support the foster parents of difficult children. Raise these questions especially with agencies who are defined as providing “specialized foster care.” By definition, the services for cases in specialized foster care should be intense and targeted at maintaining placements. Be wary of so-called supportive interventions which are actually counter-productive to placement stability. Ask yourself whether a specific type of service actually helps the foster family. For

example, “in-office” therapy for the foster parents and children may produce extra stress for the family who has to travel to the office, and may actually cause placement disruption. Be diligent in asking for specifics of case plans for children who are frequently disrupting foster care placements. Encourage foster parents to attend the review to obtain their perspective.

- Advocate for systemic changes which promote placement and worker stability. The loss that children have experienced in their removal from home is compounded by every other loss they experience.
- Ask questions about, and focus recommendations on, the need for thoughtful, planned transitions when moves are necessary. Transitions between foster homes, or from foster care to relative care or to reunification, should be handled with care. Depending upon the age of the child, transition visiting should span weeks,

maybe even months. During the time of transition, the child should be given opportunities to express anger, sadness, joy, fear and the myriad of other feelings he may have about the move. Acting out should be expected and should never be a reason for eliminating the transition. Some transitions may need to be shortened, but sensitivity for the child, not expediency for the adults, should guide the process. Once the transition is complete, connections to people with relationships to the child should be maintained.

- When meeting with your courts, raise the issue of transition planning as a way to minimize loss. Ask judges to request information from the workers about maintaining the child’s connection to important people.
- When meeting with courts and agencies, encourage training for child welfare staff around the topic of foster children and the grieving process.

## Wayne County Briefs

by Jim Novell

### Attorney Input to Board Reviews

Wayne County’s Third Circuit Court Family Division has entered into a contract with Wayne County Legal Aid & Defenders Association (LADA) requiring attorneys appointed to represent children through their office to attend reviews or provide written input to the board reviews of children they are representing. As we know from experience, attorney attendance at reviews, or input into the review process, provides information which lends a broader perspective to the case and helps assess the quality of representation children receive from court appointed attorneys.

The Detroit Program Office began tracking compliance with the contract in August 2000. Although there has not been substantial compliance to date, there has been a steady increase month to month. It should also be noted that, in general, attorneys who have attended foster care review board hearings are well prepared and appear to be providing very good representation for their child clients.

Our thanks to Third Circuit Court Family Division Administrators Jane Varner and Mary Johnson, as well as the other court officials involved in establishing the contract. This is a huge step for Wayne County to ensure that children get the attorney representation they need and, by law, require.

### Tune In Anyone?

On October 28, 2000, Wayne Board members Wilhelmina Cotton, Board 7, and Loretta Horton, Board 2, along with Program Representative Jim Novell, were invited to participate on a local Detroit radio station (WHPR) talk show. The host was Dr. E’Lon Eloni Wilks, who is also a member of Board 7.

The format was informal and fun, but also allowed for a discussion on the role of the Foster Care Review Board Program (FCRBP) in the community. It further provided an opportunity to identify to the community the need for foster parents and for more community participation in the foster care system.

It appears that we may have recruited a couple future board members through the broadcast as well. Our thanks to Dr. Wilks and the staff at WHPR for providing this outreach opportunity.

### Board Meets with New Judge

In August, Board 8 met with one of our newer Family Court Judges, the Honorable Mary Beth Kelly. Judge Kelly was a delightful host who welcomed the Board and expressed her appreciation for our work. She noted that she reads the Findings and Recommendations and, when appropriate, cites them on the record. She admitted having little knowledge of the child welfare system prior to appointment to the Family Division. However, as she shared her perceptions of the system gleaned from her past year’s experience, it was clear she is a quick study and that she truly has the best interests of children and families in our community at heart.

## Welcome New FCRB Staff

Following several months of vacancies, four new staff joined the Foster Care Review Board Program in 2000, all in the Lansing office. In March, Colleen Bethea joined the staff as a Program Assistant working closely with Tom Kissling. Ms. Bethea was previously employed by McNamee, Porter and Seeley Environmental Engineering Firm in Lansing. In July, Ms. Betty Wiggins joined the staff as Program Assistant assigned to Rod Johnson. Ms. Wiggins was formerly employed as Probate Register in the 8th Circuit Court in Ionia. Joining the Program in August were Ms. Gayle Robbert, hired as a Program Representative, and Ms. Theresa Cross, hired as Ms. Robbert’s Program Assistant. Ms. Robbert and Ms. Cross are assigned to boards in Central Michigan around Lansing. Ms. Robbert brings many years of experience, both within the court and child welfare systems. Her last position was at Bethany Christian Services in Grand Rapids. Ms. Cross joins the staff from Hospice of Lansing.



## Remember Miracle Jackson

**“REMEMBER MIRACLE JACKSON!”** An admonition we believe should be written in bold letters at the conclusion of all review board Findings and Recommendations.

If you don't live in Wayne County, or read the Detroit Free Press on a daily basis, you likely are asking yourself, who is Miracle Jackson, and why should s/he be remembered? Miracle Jackson was a seven-month-old child who was murdered by her father in early September of this year. This occurred only two months after a FIA Child Protective Services (CPS) worker had investigated an abuse allegation regarding Miracle, found nothing of concern, and left the child in the home. What makes the death of Miracle Jackson memorable, apart from the horrific circumstances of her death, is that she was the seventh child born to a mother whose parental rights were terminated on her first six children. A mother who had a long, documented history of abusive relationships with men of violent character. In 1997, one of these men beat their five-year-old son with a shovel, leaving the child severely and permanently brain damaged. This happened at a time when child welfare professionals and the court were already working with the family. Prior to this incident, two children in this home had been removed from the family, but four of the children, including the beaten child, remained in the home under the watchful eye of social workers and the court. It was only after this child was beaten, that the court was persuaded to remove the remaining children, and terminate the mother's and father's parental rights on all six children.

How did this happen? How did a system that is given the charge of protecting one of our most vulnerable populations, fail, not once, but twice with the same family? It seemed that some lessons had been learned as a result of tragedies like these which resulted in significant legislation passed in 1997 and 1998 called the Binsfeld bills. The Binsfeld legislation was a sincere attempt to improve the child welfare system and better protect children in our state. Most relevant to the Miracle Jackson case was 1997 PA 168, which required the FIA to seek court protection of children in families where other children had been abused and neglected, and specifically in families where parental rights on other children had been previously terminated. Unfortunately for Miracle Jackson, she was born three years after her half siblings found protection [sic] in the system and fell short of protection herself. It appears that in spite of the prodigious efforts put forth by a concerned citizenry and legislature to protect her, no process/protocol was put in place which would have identified the risk Miracle was at from birth. There was also no protocol in place to ensure the CPS worker had the information necessary to fully assess Miracle's well being in her mother's care. (It was announced at the September 2000, FCRBP Advisory Committee meeting by FIA representatives that new protocols are now being put into place to help prevent this occurrence in the future.)

Questions, however, remain. Specifically, why after all this good legislation are children still suffering and dying unnecessarily due to abuse and neglect? And who is responsible? We can pass reams of legislation to better protect children, but unless persons/positions authorized to carry out the intent of the legislation are held accountable to do so, we have a paper tiger protecting these children.

As informed citizens you/we are in a position to help provide the oversight this system needs to insure statutory obligations are met to prevent future “Miracle Jacksons.”

As members of the Foster Care Review Board, we see on a regular basis that statutory requirements regarding attorney representation of children are regularly disregarded by apathetic attorneys. We see that prescribed caseloads of inexperienced and overwhelmed caseworkers are too high and appear regularly exceeded by design. We see that jurists who have more than ample evidence and statutory authority to terminate parental rights fail to do so. Our recourse to date has been “advisory recommendations” that require no official response by responsible parties for findings of practices and decisions that appear to put or maintain children at risk.

In order for us, as a statutorily sanctioned program, to truly benefit the system and support its efforts to protect children, we propose the following:

- (1) Require by statute a written response from responsible parties to review Findings and Recommendations which identify practices and decisions that appear to put or maintain children at risk;
- (2) Expand foster care reviews to include review of CPS cases where children are maintained in the home in substantiated cases, or where abuse/neglect was alleged but not substantiated;
- (3) Establish a collaborative relationship with the Children's Ombudsman's office to maximize external oversight resources;
- (4) Expand the number of foster care review boards in the larger counties to ensure that an adequate percentage of cases are reviewed.

As many of us have talked with and listened to persons in the child welfare system regarding the Miracle Jackson case, it appears that it is an event that many would like to soon forget. We believe it is our responsibility to make sure they **REMEMBER MIRACLE JACKSON.**

**Wayne County Foster Care Review Boards**

### NAFCR National Conference

The National Association of Foster Care Reviewers is convening a national conference on foster care review from May 31 to June 2, 2001, in Mesa, Arizona. The Conference, “The Cutting Edge: Using Foster Care Review to Make a Difference for Kids in Care,” will highlight NAFCR's Safe Passage to Permanency Guidelines for Foster Care Review and will feature workshops by state/local foster care review program staff and reviewers. Foster Care reviewers will also be able to attend workshops on child welfare and reviewer issues being conducted by the Arizona Foster Care Review Board Program. Registration information is available by calling (602) 542-9547.

## Welcome New Board Volunteers

### **Bay County**

Peter Cominos  
Lloyd Rapelje

### **Branch County**

Marcie LaBelle

### **Calhoun County**

Amy Cosgrove-Bridges  
Phillip Duff

### **Chippewa County**

Bobbie Palmer

### **Genesee County**

Barbra Summers  
Bruce Trevithick

### **Gratiot County**

Alana Hansert

### **Jackson County**

Ed Woods

### **Kalkaska County**

Dorothy Dingman

### **Kent County**

Vernon Laninga

### **Livingston County**

Carol Lucas

### **Macomb County**

Eugene Groesbeck  
Barbara Tepper

### **Manistee County**

Eugene Cord

### **Midland County**

Barbara Meagher

### **Saginaw County**

Alphonso Gibbs, Jr.  
Annye Roberts

### **Sanilac County**

Helen Brown

### **Schoolcraft County**

Gregory Mulligan

### **Shiawassee County**

Jorja Ackels

### **St. Clair County**

Robert Goldenbogen

### **Washtenaw County**

Rose Barhydt  
Gayle Stewart

### **Wayne County**

Dave Benson  
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Douglas Dempsey  
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### **The Michigan Foster Care Review Board Program**

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The FCRBP Newsletter  
is compiled by the  
Program Advisory Committee

Thomas A. Kissling  
Program Manager  
Editor

## Northern Boards

*by Kevin Sherman*

The northern foster care review boards have been focusing on two important issues during reviews and at meetings with the courts, FIA, and private agencies. The first is whether the Family Division of Circuit Court is fulfilling its mandate of 1998 PA 480, Sec. 17c (7) which states "In a proceeding under Section 2 (b) or (c) of this chapter, the court shall appoint a lawyer-guardian ad litem to represent the child." It appears from reviews that numerous courts are not meeting this mandate as they continue to appoint "attorneys" for the wards. The northern boards are now asking very specific questions to determine which counties are assigning lawyer-guardian ad litem versus attorneys. Boards then recommend to those courts which are still assigning attorneys to meet the mandates of the Act.

The second issue seems to be more elusive. Who is responsible for child support enforcement for wards in foster care? Caseworkers often cite this as a court function or FIA Support Specialist function. Many courts see it as a FIA function. It is unclear from our reviews whether FIA or POS caseworkers are aware of the child support referral process based on the funding source of the foster care placement, e.g. ADC-F, Title IV-E, or County Child Care Fund. The procedures to identify and locate absent/putative parent(s) will be examined more closely in the months ahead to assure that each child in foster care is receiving financial support from appropriate parents.

On a separate note, Board 26 (Bay, Clare, Gladwin, Isabella, and Midland counties) is working with local FIA and POS adoption specialists and faith based organizations to identify new prospective foster homes through a collaborative effort with local churches and existing foster parents.

### **Foster Care Review Board Program**

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